

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

FILED
2016 MAY 27 P 1:06

UNITED STATES OF AMERICA

v.

RALPH ANTHONY STEVENS

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CR 107-030

CLERK *JB*
SO. DIST. OF GA.

O R D E R

On May 23, 2016, Defendant filed a "Motion for Post-Conviction Relief" in this criminal matter, challenging his designation as an Armed Career Criminal under 18 U.S.C. § 924(e) pursuant to the recent decision of Johnson v. United States, 135 S. Ct. 2551 (2015).

Defendant's present motion is an attack on the legality of his conviction and sentence. The proper vehicle through which to attack the legality of a conviction or sentence is a motion to vacate, set aside or correct sentence under 28 U.S.C. § 2255. As it happens, Defendant has already filed a § 2255 motion in this Court, in which he challenges his designation as an Armed Career Criminal under Johnson, and it remains pending. (See Stevens v. United States, CV 115-175 (S.D. Ga. Oct. 29, 2015.) Accordingly, the Clerk is DIRECTED to TERMINATE Defendant's motion for post-conviction relief. (Doc. No. 50.)

ORDER ENTERED at Augusta, Georgia, this 27th day of May, 2016.

[Signature]
UNITED STATES DISTRICT JUDGE